



2020 Summer – Severe Storms and Flooding FEMA-4565-DR-ND

Applicant Briefings: Public Assistance Grants / Environmental and Historic Preservation / Hazard Mitigation Grant



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Ensuring a safe and secure homeland for all North Dakotans

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**North Dakota Department of Emergency Services
Division of Homeland Security**

**FEMA-4565-DR-ND
Public Assistance/Hazard Mitigation Grant Programs
Applicant Briefing**

DR-4565 Applicant Briefing is going to be conducted using Microsoft Teams on October 22, 2020 from 1 – 3 PM CT.

A recorded version can be found on the ND Dept of Emergency Services IT Department's YouTube Channel:

<https://www.youtube.com/channel/UCvAcblIdFEoH3DYT7DgbgAQ>

OR

<https://grants.des.nd.gov/site/PA.cfm>

**AGEND
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Welcome	Justin Messner – NDDES Disaster Recovery Chief, CFM
Request for Public Assistance / Site Tracker / Program Delivery Module / Categories of Work - Program Eligibility / Recordkeeping / Procurement and Contracts	Brent Kahl – NDDES Closeout Supervisor
Environmental and Historic Preservation	Mary Brillante – FEMA Region VIII, Acting EHP Manager Marty Thompson – FEMA Region VIII, EHP Advisor
Hazard Mitigation Grant Program Eligibility	Todd Joersz - State Hazard Mitigation Officer
Closing Remarks	Justin Messner – NDDES Disaster Recovery Chief, CFM

STATE ASSISTANCE FACT SHEET FEMA-4565-DR-ND (2020 Severe Storms and Flooding)

Type of Disaster:	Riverine and overland flooding
Declared Counties and Indian Reservations:	Benson, Grand Forks, McKenzie, Mountrail, Nelson and Wells Counties
Declared:	October 2, 2020
Incident Period:	June 29, - July 1, 2020
Percentage of Reimbursement:	Damages will be reimbursed 75% federal, 10% state, and 15% local share
Hazard Mitigation Grant Program Eligibility:	All North Dakota counties and tribes
North Dakota Department of Emergency Services Division of Homeland Security	Governor's Authorized Representative: Cody J. Schulz Alternate - Governor's Authorized Representative: Justin P. Messner Public Assistance Officer: Randy L. Reimer
North Dakota Department of Emergency Services Division of Homeland Security	P.O. Box 5511 Bismarck, ND 58506-5511 Phone: (701) 328-8100 or 1 (800) 773-3259 FAX: (701) 328-8181

IMPORTANT DEADLINES

Request for Public Assistance:	County, local and tribal governments, and eligible private, non-profit organizations have 30 days from October 2, 2020 to file a Request for Public Assistance (RPA) with the State Public Assistance Officer, North Dakota Department of Emergency Services, Division of Homeland Security. No RPAs will be accepted after the deadline.
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Small Project Damages:	Under \$132,800.00
Large Project Damages:	Over \$132,800.00
Minimum Small Project Damages:	Over \$3,320.00

Work Completion: From the date of the president's declaration the following deadlines apply for project completion:

<u>Work Type</u>	<u>Category</u>	<u>Deadline</u>
Debris removal	A	April 2, 2021
Emergency protective measures	B	April 2, 2021
Permanent work	C – G	April 2, 2022

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How this process starts:

All applicants are required to use the FEMA Grants Portal website. This website is where you'll submit your Request for Public Assistance (RPA) to become an official applicant under the current declared disaster. This will also be the website you will use to monitor the progress of each of your Project Worksheets (PWs) from their beginning until their completion/obligation, and where you'll upload documentation about your county or city personnel, procurement, maintenance, and insurance policies.

Any new applicants (those who have not been in a North Dakota disaster since 2017) should have received an email from support.pagrants@fema.gov with information on how to access the FEMA Grants Portal website, create a username and password, and complete an RPA form. Any applicants who have participated in disasters since 2017 should already have usernames and passwords for Grants Portal and should have logged in to complete their RPA for this disaster event as well.

If you have any issues with registering into Grants Portal you can contact the North Dakota Department of Emergency Services (NDDDES), Administrative Assistant, Nadine Jundt at 701-328-8167 or najundt@nd.gov for further assistance.

Some Background

In 2014, FEMA conducted an in-depth analysis of the Public Assistance (PA) program's delivery process. Following months of analysis and restructuring, a new PA Program Delivery Model was designed to meet the needs of applicants by streamlining and categorizing projects.

The goal moving forward is to deliver the PA program more efficiently so applicants can receive their funding much faster to rebuild public infrastructure after a disaster. To facilitate these changes, FEMA developed the Grants Manager and Grants Portal tools, which are web-based, project tracking systems used by FEMA and our stakeholders.

In order to keep your Federal Grant moving forward quickly and efficiently, NDDDES sent a Site Tracker Excel Spreadsheet out to each County back in the latter part of October that was used to catalogue damages from this disaster event as part of the State's Preliminary Damage Assessment (PDA). The Site Tracker is a living document for your disaster recovery and continues to be your responsibility up until the PDMG takes over the Site Tracker after the Recovery Scoping Meeting (RSM). The Site Tracker will be used to create Damage Inventories (DI) which are comprehensive lists of your damaged sites that will get uploaded into the Grants Portal. With the new Program Delivery Model, the Damage Inventory is what the State and FEMA use to develop your Project Worksheets (PWs) so your damaged sites can be approved for funding.

The PA Program Delivery Model no longer requires a site inspection for sites where work has been 100% completed. The site tracker is used to develop the Damage Description and Dimensions (DDD) and Scope of Work, instead of relying on site inspections. Therefore, filling out your site tracker accurately and thoroughly is essential as this document will set the pace for the writing process of your PWs.

The following instructions will explain how to fill out this site tracker for use during the Preliminary Damage Assessment (PDA) and Site Inspection processes.

Breaking Down the Site Tracker Columns:

Applicant Name:

This column represents the name of the entity that you represent and the name that you will use to make your Request for Public Assistance (RPA).

Site Name:

Every site is required to have an identifying number. We would like you to use the following guidance when creating your identifying numbers for your sites. If you are in back to back disaster events please attempt to keep the same numbering system for your sites, or at a minimum depict which sites were in a previous event.

1. For County Applicants:

- a. County Sites: Please use the first 5 letters in your county name followed by the numerical numbering of your site. The Numerical numbering must contain 2 characters.

For example: Benson County Site 1 would be Benso01.

- b. Township Sites: Please use the first and last letters of your county followed by the first three letters of your township, followed by the numerical numbering of your site. The numerical numbering must contain 2 characters. For example: Benson County, Rock Township Site 1 would be BnRoc01.

2. For Applicants other than Counties: Use the first 5 letters in the name of your entity followed by the numerical numbering of your site. The Numerical numbering must contain 2 characters. For example: Devils Lake site 1 would be Devil01. For those entities whose names do not contain 5 characters, use as many characters as your entities name can provide, followed by the two-character number.

County/City or Township:

1. For County Applicants: If the site that was damaged is a county owned property, please identify as "County". If the site was a Township Site, please identify the Township name.
2. For Applicants other than Counties: Identify the county where your damages are located.

Category:

You will be required to identify the category of work that the damages or work fall under. Just enter in the letter that corresponds with the damages (i.e. A, B, C, etc.)

1. Category A: Debris Removal
2. Category B: Emergency Protective Measures
3. Category C: Roads and Bridges
4. Category D: Water Control Facilities

5. Category E: Buildings and Equipment

6. Category F: Utilities

7. Category G: Parks, Recreational and Other Facilities

In some cases, damages and work may not fit clearly in one specific category. Apply the category that best fits your damages/work and your PDMG may need to adjust the category later in the process.

Latitude and Longitude:

Two GPSs are required. You are required to produce a latitude and longitude location of your damaged sites or where your work occurred from the **start** of the damage to the **end** of the damage. The GPS locations must be in the decimal degrees format. Please provide your GPS to the 5th decimal place, i.e., 48.12345, -98.12345.

1. Roads: For damaged roads traveling on a west and east direction, take the GPS location at both the beginning and end points of the damage. For damaged roads traveling on a north and south direction, also take a GPS at the beginning and end points of the damage.
2. Emergency Protective Measures/Debris: You may have multiple operations throughout your entity where one specific GPS cannot be placed. In these cases, take your GPS at your base of operations.

Description of Damage or Work:

In this column you will be required to provide a specific description of the damage that occurred at your site and/or the work that was performed during Category B: Emergency Protective Measures.

It is key that you are as descriptive as possible when producing your Damage Descriptions and Dimensions (DDD). DDDs must be measurable and quantifiable.

Note: Dimensions will always be given in length x width x depth for road damage.

Below are some examples of how we would like you to describe your damages per site:

1. Surface gravel washed from road area 100' x 22' x 2"
2. Roadbed eroded over area 75' x 22' x 4"
3. Rip Rap eroded over area 50' x 6' x 2' on the east side
4. Inslope eroded over area 50' x 6' x 2'/2 on the east side
5. 40 LF of 36" CMP eroded around and was displaced without damage (**length in feet X width in inches for culvert size**)
6. 40LF of 36" CMP eroded, washed out and was damaged beyond repair

Below are some examples of incomplete and complete DDDs:

1. Incomplete – Gravel wash 100' x 18'
2. Complete – Gravel washed from road area 100' x 18' x 2"
3. Incomplete – Culvert washed out

4. Complete – 40 LF of 36" CMP eroded around and was displaced without damage

When writing your DDD for Category B work, you will be required to describe what work was completed and what you protected or accomplished.

Below are some examples of how to write a DDD for Category B work:

“The city constructed levees from earth, sandbags, and Hesco bags to protect against the threat to life and property of the citizens of Mandan. Force Account utility work crews were mobilized to help flood fighting efforts.

They combined with other city employees to man pumps, check dikes and levees, acquire necessary materials at local businesses in order to keep flood waters under control.

Electrical generators were rented to supply power to operate electric pumps and lights during the flood fighting effort. Tractors were rented (some donated) and placed at strategic points throughout the city and PTO pumps attached to tractors were used to move large amounts of flood water away from threatened areas.

The utility crew, working with the wastewater crew, acquired ball plugs and placed them at wastewater lift stations to keep flood water from community housing and businesses. Frames were built to guide hoses over dikes and levees from pumps pumping flood water from behind plug dikes and levees in the bay areas.”

Sites that are identified as work completed must contain a damage description that allows enough area to fit the cubic yards placed at a site.

Estimated Cost:

You must provide estimated costs per site. These costs should be as accurate as possible; however, it is understood that these costs are estimates because repairs might still need to be completed. You may need to update this section after final invoices are submitted to you.

For sites with estimates that are considered work to be completed, be prepared to produce documentation as to how you derived your estimate.

% of Work Completed:

In this column you will need to identify the percentage of work that has been completed at the site. If no work was completed, place 0% in this column. Your PDMG will need this information in order to schedule/set up your site visits.

Once you’ve been assigned a Program Delivery Manager (PDMG), they’ll contact you and introduce themselves. They will start the process of gathering information from you regarding your Site Trackers (STs), which will then become your Damage Inventories (DIs). The DIs will eventually formulate your Project Worksheets (PWs). The PDMG will work with you to set up a date for your Recovery Scoping Meeting (RSM) (formerly the Kick-Off Meeting) and they will also identify who should possibly attend the meeting from your organization. The days prior to the RSM are dedicated to preparing for meeting.

As mentioned earlier, once the RSM is completed, the PDMG will have the responsibility to update the site tracker based on the information that you continue to submit to them.

It is our goal to get done with the work that pertains to you, as soon as possible. But we do need your

cooperation to make that happen. We know that you are all busy, but we ask that you make yourself and the required documents available to have a successful RSM meeting.

You're assigned Program Delivery Manager (PDMG) will assist you in the development and my even expand the Site Tracker to fit the needs of the Applicant (You) and the PDMG.

What we expect of you:

We will need a listing of all Category A (Debris Removal), Category B (Emergency Protective Measures), Category C (Roads and Bridges), Category D (Water Control Facilities), Category E (Buildings and Equipment), Category F (Utilities) and Category G (Parks and Recreational Facilities) damaged sites, so as to have this information available for the RSM meeting.

Also needed is a listing of **Your Priority Sites** where damages will need to be inspected and repaired as soon as possible. These damaged sites could be asphalt streets, sewer systems, lift stations, drainage systems, lagoons, sole access inundated roads, buildings or bridges.

Items that will be used in the project worksheet formulation and preparation:

#1 Directory Map

1. You must provide a Directory Map from your county directory.
2. This map must have the roads marked with Streets and Avenues.
3. Each county/township and city damaged sites must provide a map.
4. The map should show all your damaged sites and each damaged site will be numbered.

Our site inspectors have been instructed that they will use your site numbers, **we will not change your site numbers.**

We will however make a map for each Project Worksheet (PW). Example, you may have many damaged sites and it is determined that we need more than one PW, we will then have to make a copy of the map and use it for multiple PWs.

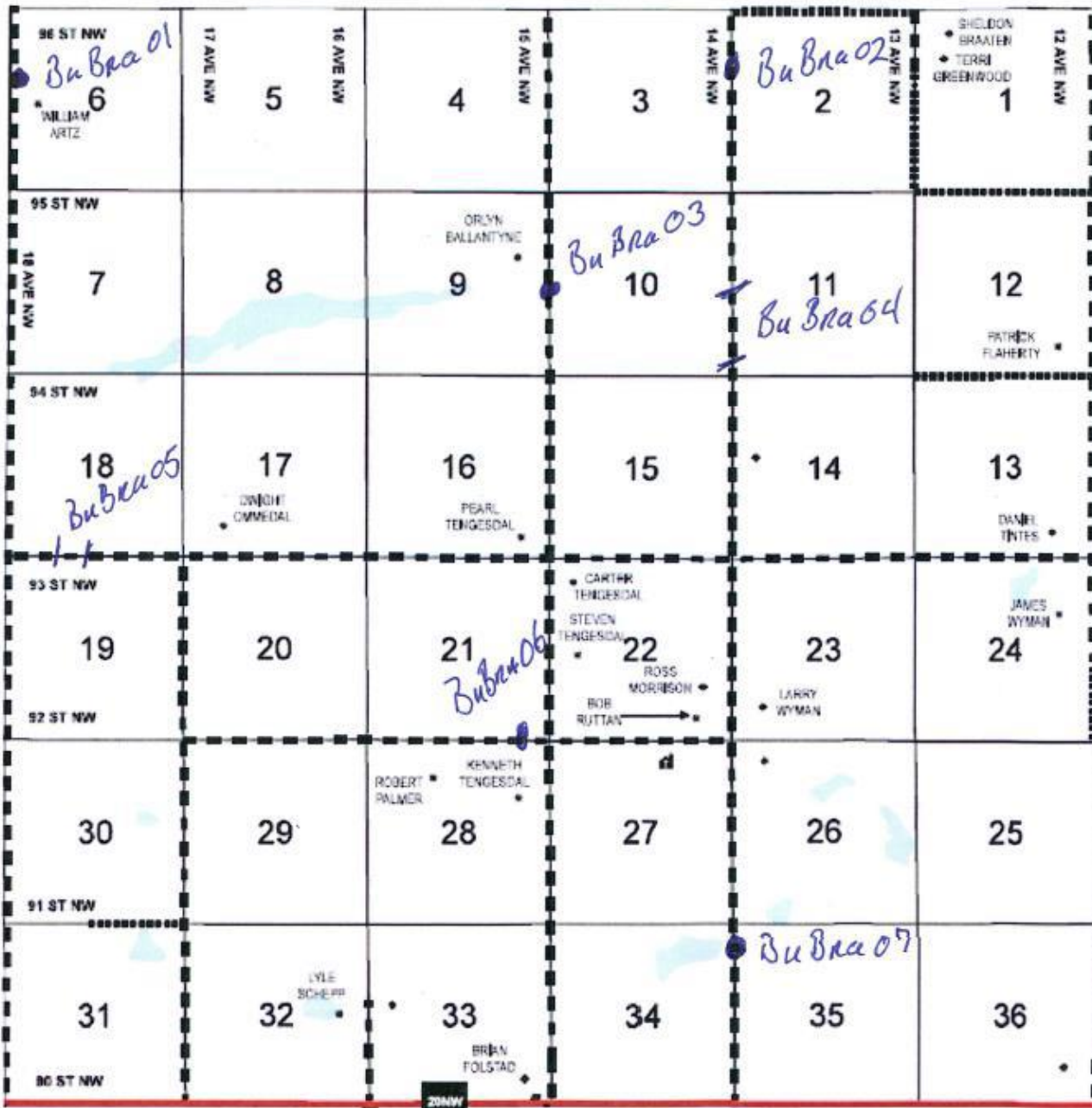
See example of a Township Map on the next page.

BRANDER DIRECTORY

T-161-N

CODE: AF

R-80-W



#2 Your Site Tracker!

Examples of Work to be Completed (WTBC) below:

Site 1: Damage Description Dimensions (DDD):

Surface gravel washed from road area 100' x 18'. Normal

Gravel depth is 3". Loss of gravel is 2". Roadbed is soft and rutted over area 50' x 18'. Rutting is 3" and 4" deep.

Site 1: Scope Of Work (SOW):

Furnish and spread 2" of ASC for an area 100' x 18'.

Furnish and spread 4" of pit run gravel over an area 50' x 18'.

Site 2: **DDD:** 40' x 36" CMP is washed around without damage.

Site 2: **SOW:** Salvage and relay 40' x 36" CMP.

(Note: Hazard Mitigation could be discussed for this site)

Site 3: **DDD:** 40' x 36" CMP is washed out and damaged beyond repair.

Site 3: **SOW:** Furnish and install 40' x 36" CMP.

(Note: Hazard Mitigation could be discussed for this site) (Note: Hydraulic Study could be discussed for this site)

Site 4: **D&D:** Roadbed eroded over an area 100' x 10' x 1' on the west side of the road. Loss of material consists of 4" embankment material, 6" of pit run gravel. Surface gravel washed from roadbed area 150' x 18'. Loss of gravel is 2". West road shoulder eroded over area 120' x 2' x 1' and west inslope is eroded over area 150' x 9' x 3'.

Site 4: **SOW:** Furnish and spread 4" of embankment material, furnish 6" of pit run gravel 100" x 10". Furnish and spread 2" surface gravel over an area 150' x 18'. Furnish embankment material for road shoulder area of 120' x 2' x 1' and inslope area of 150' x 9' x 3'/2.

#3 COST ESTIMATES:

Material Unit Cost – Applicant will be required to establish actual material costs. This cost is for the material in place. (Material, hauling, placement and spreading if required). Procedures may consist of different methods as shown on the next page to determine the unit cost.

- (1) Actual cost for in place, if work is completed. Invoice must be by site and date when work was completed. Ensure that work completed includes the dimensions for each site.
- (2) Cost of loaded material at the source + hauling + placement.
- (3) Cost quote from contractor dumped in place + cost of spreading.
- (4) FEMA cost codes will be used as a last resort.

Suggested documentation to establish a base price may include, cost of material at the source, a quote from a contractor, invoices for work completed or invoices from previous years' work. This price will be entered on the following form and the formula used will be attached.

Material Cost Sheet

Cost Listed below includes: Material Cost, Delivery and Placement.

Surface gravel	\$		/CY
Pit Run Gravel	\$		/CY
Embankment Material (Clay)	\$		/CY
Field Rock	\$		/CY
Rip Rap	\$		/CY
Filter Fabric	\$		/SY
CMP/RCP/HCEP: (Specify & Size)	\$		/LF
CMP/RCP/HCEP: (Specify & Size)	\$		/LF
CMP/RCP/HCEP: (Specify & Size)	\$		/LF
Other: (Specify)	\$		/
Other: (Specify)	\$		/
Other: (Specify)	\$		/

Must include cost at the source to determine the **In-Place Cost**. Contractor quote may be used and attached to this sheet.

This form is being used to establish material costs. *I certify that the cost indicated is supported with actual cost documentation.*

Applicant:	Township	Disaster #
Applicant Agent:	Signature:	Date:
Reviewed by Program Delivery Manager:	Signature:	Date:

Form as of: 2020-05-21

EQUIPMENT COSTS – For Work Completed Prior to the Site Visits

(1) Invoices for rented equipment for work completed will be furnished. Invoices must indicate at what site the equipment was used and if it was with operator or without operator.

(2) A Listing of Force Account Equipment will be made available to the Project Specialist by the applicant. This listing must include nomenclature, size, such as: 1 CY bucket, 12 CY truck box, 5 HP Pump, 100' of 3" hose, horsepower, and hourly rates. Mileage rate should be used for pickups. Where Force Account Equipment has been used, the Force Account Equipment Form will be prepared to account for each site as applicable.

NOTE: These equipment rates provided may be compared to other rates within your county and also the FEMA Equipment Cost Codes for reasonability.

#4 FORCE ACCOUNT LABOR COSTS

(1) A list of Force Account personnel will be made available to the PDMG by the applicant. The list will include the name(s) of the personnel, their job titles, and hourly wage.

(2) Applicant will furnish a copy of their personnel policy and a completed Fringe Benefit Calculation Worksheet. This form is found on page 38 and 39.

(3) Where Force Account Personnel were used, a Force Account Labor Form will be completed to account for each site as applicable.

(4) Overtime is eligible for Category A (Eligible Debris Removal) and Category B (Eligible Emergency Protective Measures). Overtime will be determined in accordance with the applicant's overtime policy in effect prior to the declaration. Overtime when performing regular duties caused by performing disaster related duties during regular work hours will be considered for reimbursement.

(5) Regular time and overtime (in accordance with applicant's overtime policy) is eligible for Categories C through G (eligible restoration work) at the reported hourly rate plus fringe benefits.

#5 Photos of the Damages - Photos should show us the overall site then specific site damages

#6 Road Maintenance Policy - A memo or letter describing how you maintain your roads

#7 Material Source – Updated Material Source [State Historical Preservation Office (SHPO) or North Dakota Department of Transportation, (NDDOT)]

- SHPO – Needs to be updated annually
- NDDOT – Does not need to be updated
- Identify invoices in relation to the Material Source
- Identify GPS location of SHPO or NDDOT material source

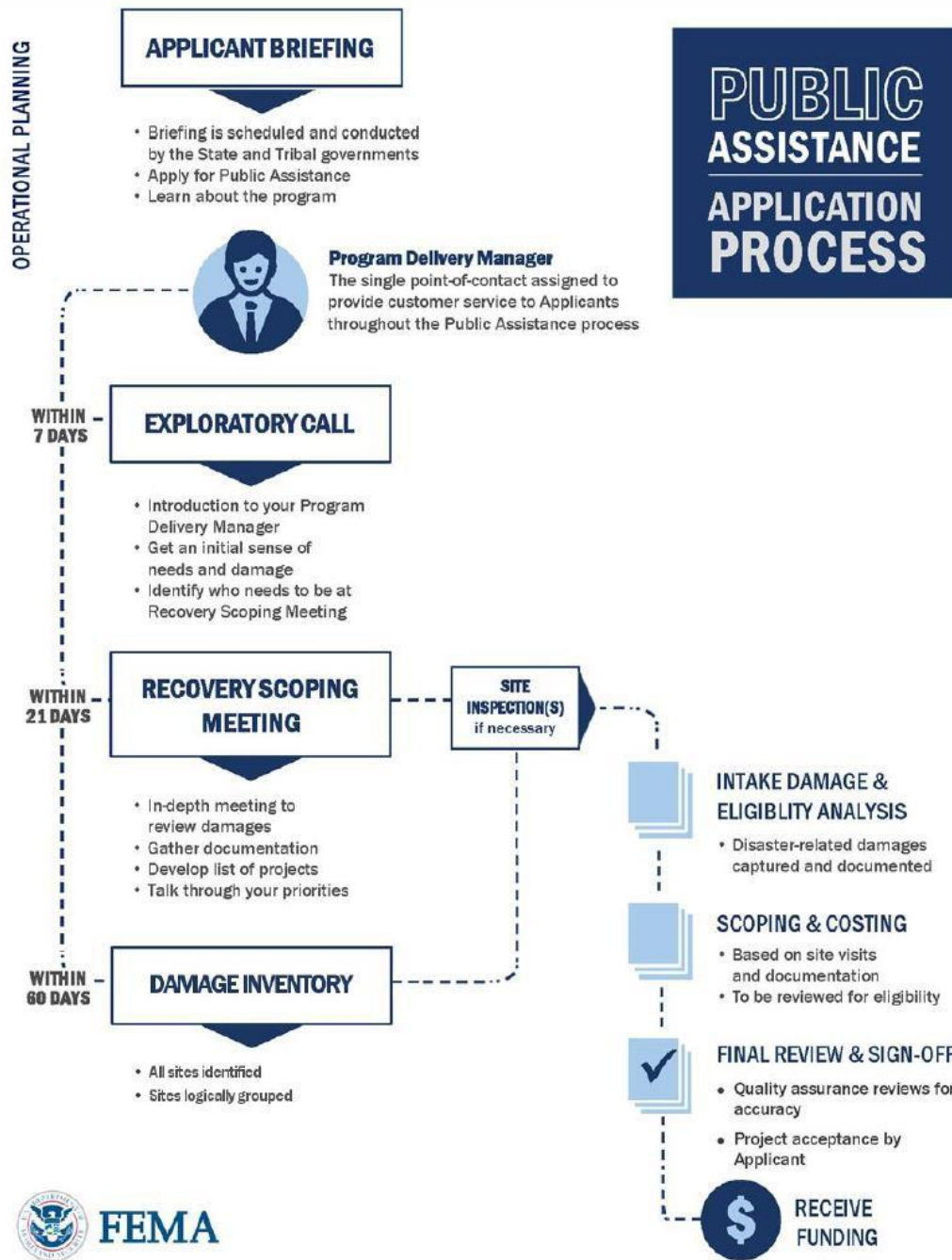
#8 Culver Disposal Site - A memo or letter describing where you took any removed culverts to with GPS.

#9 Debris Disposal Site (if applicable) - A memo or letter describing where you took any removed culverts to with GPS.

PROGRAM DELIVERY MANAGER (PDMG) ASSISTANCE TO APPLICANT

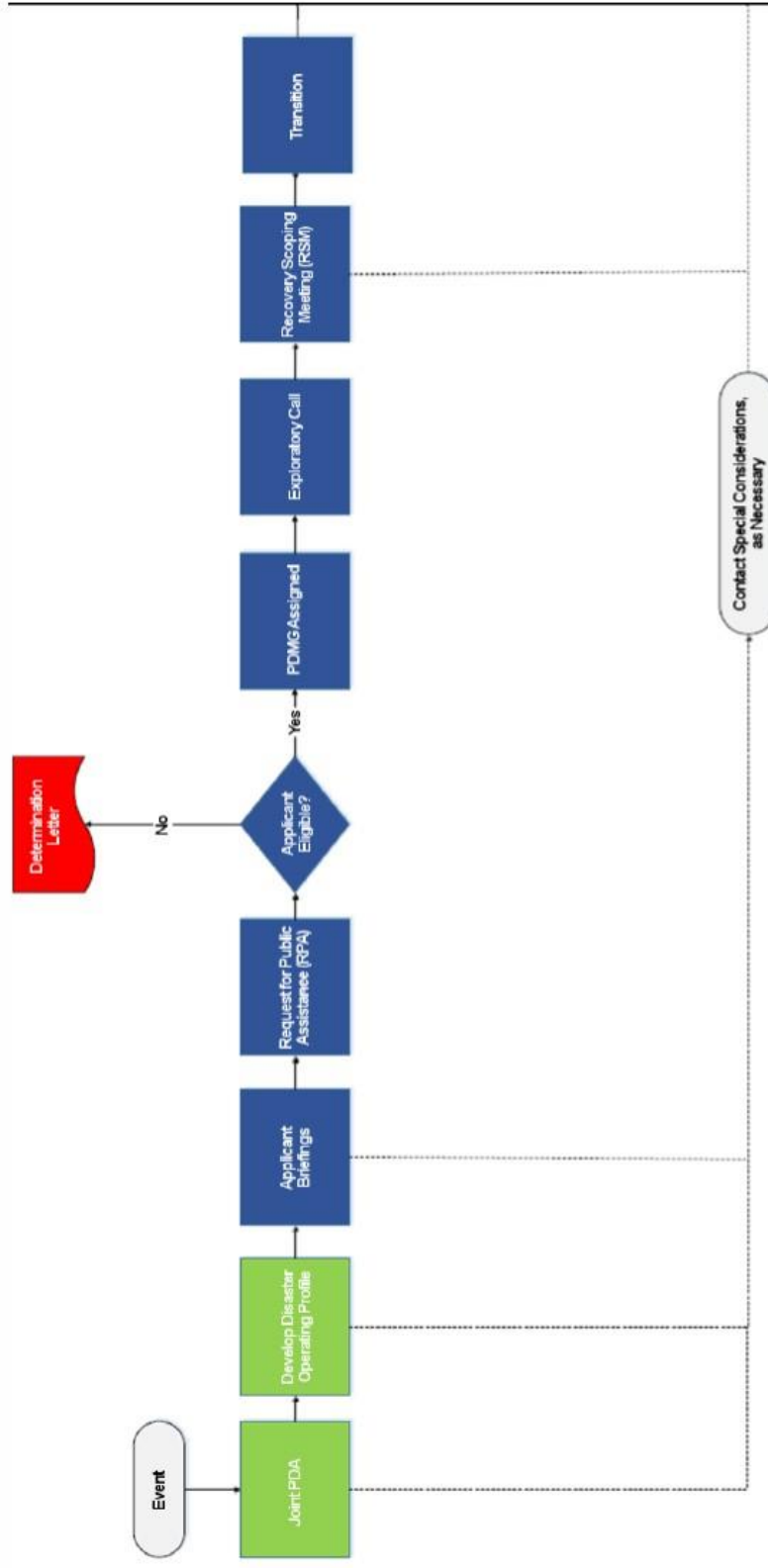
- (1) As was stated earlier your PDMG will be contacting you soon and will come to your location as soon as possible. In some cases, a PDMG will be assigned to multiple smaller applicants. Contact will be made by these individuals as soon as possible. Where available they will assist with the following items that we have already discussed and create a file to consolidate the required documents.
- (2) Assist applicant with consolidation of maps and damage reports. This is primarily applicable to counties for consolidation of township map, damage descriptions from townships and scope of work with cost estimates.
- (3) Assist applicant with arriving at Material Costs: Review the different options that have been given to arrive at the Material Costs and complete the appropriate form. This form with the nomenclature of gravel to be used at each site must be identified and will be required with site input sheets for each Project Worksheet. (i.e. Township, County, City and Drain). All active material pits used by the applicant will be marked on a Map and identified by a GPS reading for Latitude and Longitude. Appropriate clearance for source of all materials is required. Included with this unit is the form to be used for SHPO clearance. A representative from our Environmental Historical Programs sections will go into detail during their presentation.
- (4) Assist with making a list of the special items that we discussed earlier. (asphalt streets, sewer systems, drainage systems, lagoons, grade raises, building).
- (5) Ensure we have a list of your Force Account personnel indicating name, title, wage and fringe benefits, personnel policy as it relates to work hours, when the work week starts, overtime policy, leave and compensatory time.
- (6) Ensure we have a list of Force Account Equipment indicating nomenclature, size, horsepower, capacities, hourly or mileage rates.
- (7) Any other items deemed necessary.

INTRODUCTION AND PA PROGRAM OVERVIEW

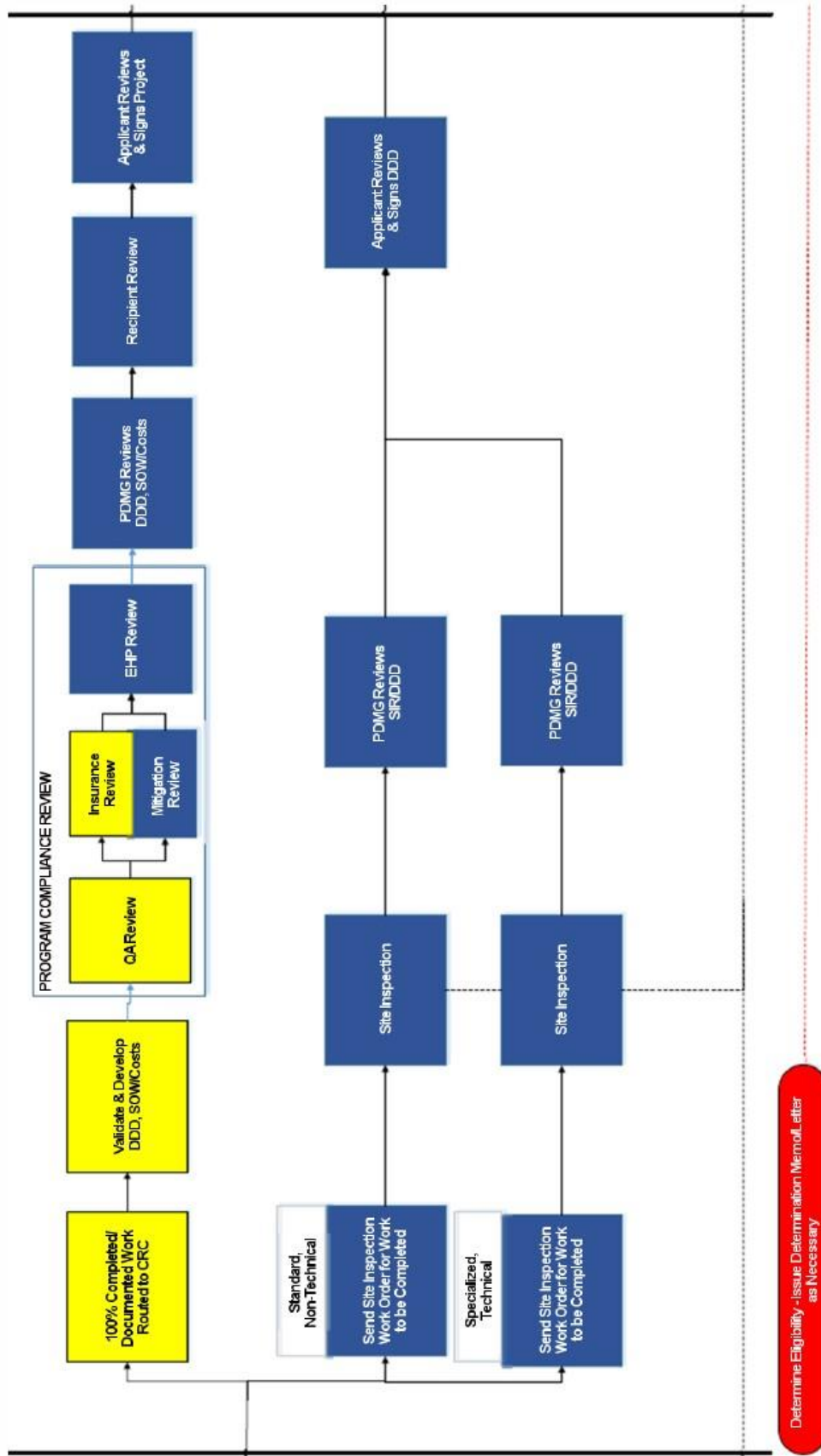


Program Delivery Module: See Chart Diagram

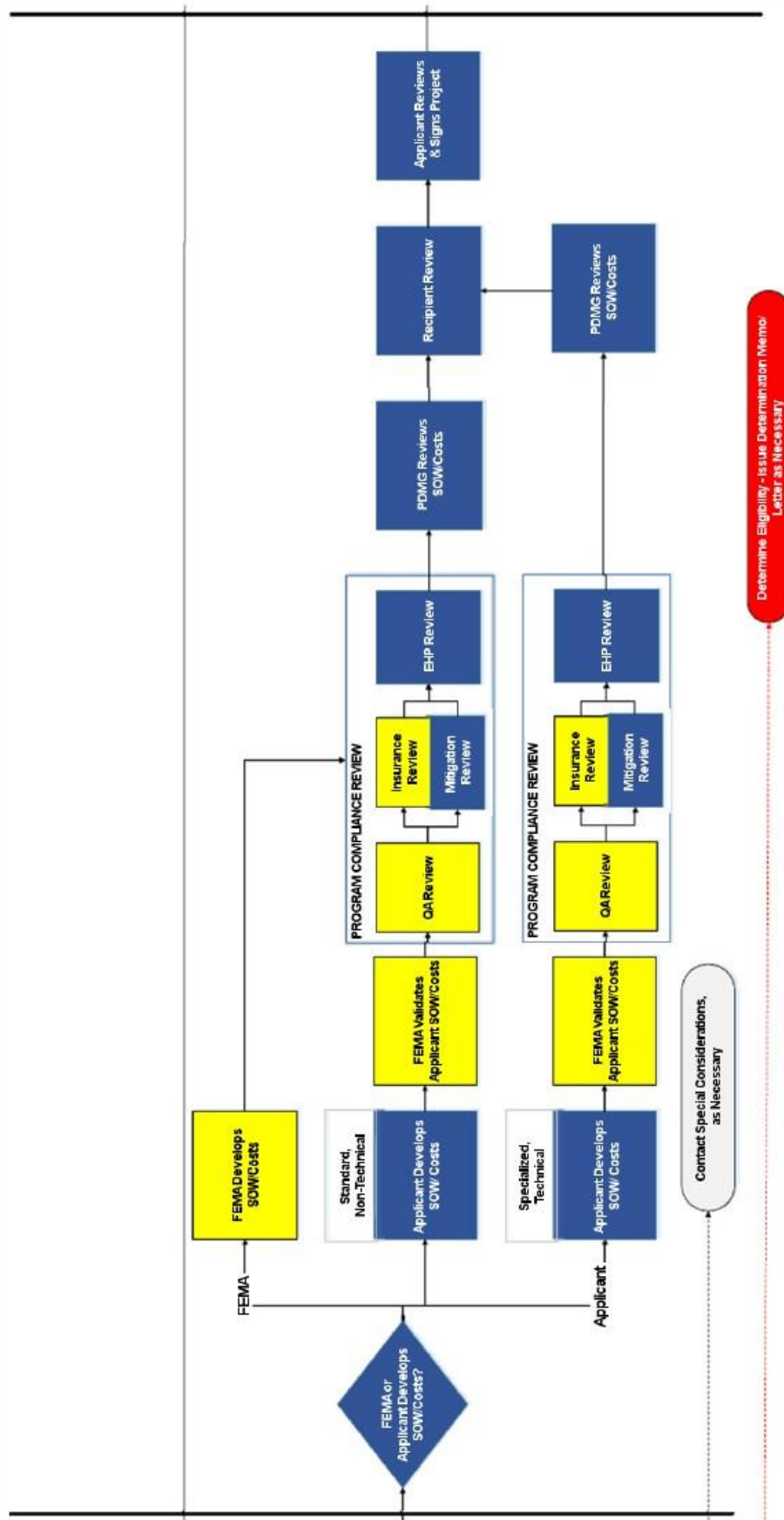
Phase I of FEMA PA Delivery Model: Operational Planning



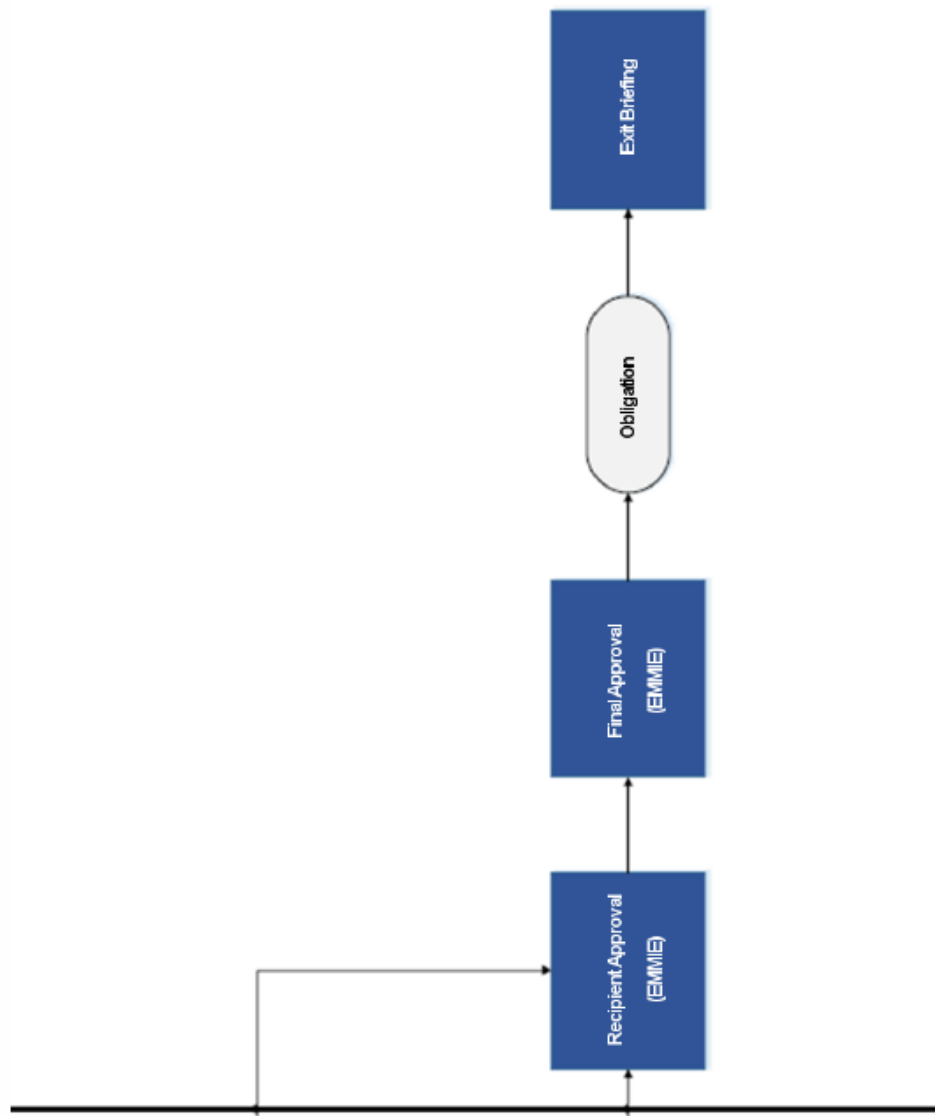
Phase II of FEMA PA Delivery Model: Intake Damage and Eligibility Analysis



Phase III of FEMA PA Delivery Model: Scoping and Costing



Phase IV of FEMA PA Delivery Model: Obligation



Next we will discuss the different Categories of Work and the requirements of each.



Category A – Debris Removal

1. **Debris removal not eligible for:**

- o Federally maintained navigable channels and waterways
- o Flood control works under the authority of the Natural Resources Conservation Service (NRCS)
- o Agricultural land
- o Natural, unimproved land, such as heavily wooded areas and unused areas

2. **Debris on Public Property:** Eligible for removal except in wilderness, tree claims, and other unused areas.

3. **Debris on Private Property:** Ineligible under most conditions. Requires owner to move debris to right-of-way, if authorized by State/Tribal/local government. May be eligible if it presents a safety or health hazard (fire or insect infestation) to public.

4. **Private Non-Profit (PNP):** Only eligible if associated with an eligible facility, including debris on the property of an eligible facility.

5. **Debris on Federal Aid Roads:** Eligible for removal only if Federal Highway Administration (FHA) doesn't declare the damages.

6. **Garbage Pickup:** Only storm generated debris is eligible. Local cut off dates may be established.

7. ***Tree Stumps and Root Systems:*** The removal of stumps and root systems are not eligible unless they are uprooted with at least 50% of root ball exposed. FEMA only reimburses contracted costs charged on a per-stump basis if the stump is at least 2 feet in diameter, 2 feet above the ground and extraction is required as part of the removal. Price must include extraction, transport, disposal, and filling the root-ball hole.
8. ***Trees:*** Removal of standing dead or dying trees and trimming of trees is not eligible unless it presents an immediate threat to life and safety. Trees must be at least 6 inches in diameter and 4.5 feet above ground. Trees with a root ball less than 50% exposed are to be cut flush to the ground and additional grinding is not eligible.
9. ***Broken Limb or Branch Removal:*** Must be at least 2" in diameter at point of break and pose an immediate threat, extend over public ROW and be removed without entering private property. Pruning, maintenance, trimming and landscaping is not eligible.
10. ***Demolition of Public or Private Buildings:*** The building must be beyond repair. Private buildings must pose an immediate safety hazard.
11. ***Removal of Emergency Levees:*** The cost is eligible when the levees are removed to open roads or when in the public interest.



Category B – Emergency Protective Measures

1. All “Cat B” measures must:

- a. Eliminate or lessen immediate threats to lives, public health, or safety; OR
- b. Eliminate or lessen immediate threats of significant additional damage to improved public or private property in a cost-effective manner

2. List of Eligible Protective Measures:

- a. Transporting and pre-positioning equipment and other resources for response
- b. Flood fighting
- c. Emergency Operation Center (EOC)-related costs
- d. Emergency access
- e. Supplies and commodities
- f. Medical care and transport
- g. Evacuation and sheltering, including that provided by another State or Tribal government
- h. Childcare
- i. Safety inspections
- j. Animal carcass removal (if not part of applicant’s debris disposal operation)
- k. Demolition of structures (although typically done as Permanent Work projects)

- l. Search and rescue to locate survivors, household pets, and service animals requiring assistance
- m. Fire fighting
- n. Security, such as barricades, fencing, or law enforcement
- o. Use or lease of temporary generators for facilities that provide essential community services
- p. Dissemination of information to the public to provide warnings and guidance about health and safety hazards using various strategies, such as flyers, public service announcements, or newspaper campaigns
- q. Searching to locate and recover human remains
- r. Storage and interment of unidentified human remains
- s. Mass mortuary services

3. **Improved Property Protection:** The following is a list of eligible emergency protective measures to protect improved property, some of which are discussed in further detail below. This list is not all-inclusive.

- a. Constructing emergency berms or temporary levees to provide protection from floodwaters or landslides
- b. Emergency repairs necessary to prevent further damage, such as covering a damaged roof to prevent infiltration of rainwater
- c. Buttrressing, shoring, or bracing facilities to stabilize them or prevent collapse
- d. Temporary slope stabilization
- e. Mold remediation
- f. Removal and storage of contents from eligible facilities for the purpose of minimizing additional damage
- g. Extracting water and clearing mud, silt, or other accumulated debris from eligible facilities if the work is conducted expeditiously for the purpose of addressing an immediate threat (if the work is only necessary to restore the facility, it is Permanent Work, not Emergency Work)
- h. Taking actions to save the lives of animals that are eligible for replacement [see Chapter 2:VII.H.3(e)]

4. **Protective Measures on Private Property:** FEMA may determine that these are eligible if the threat is widespread, the applicant has legal authority to perform the work and the applicant has obtained rights-of-entry and agreements to indemnify and hold harmless the Federal Government. Applicant must provide a detailed explanation of Applicant's legal authority and responsibility to enter the private property and the basis for determining that a threat exists to the general public in that community. Items include:

- a. Demolition of unsafe private structures that endanger the public
- b. Pumping flooded basements
- c. Pumping of septic tanks or decontamination of wells causing a pollution threat
- d. Stabilizing a slope

5. **Fees:** Fees for permits, licenses, and titles issued directly by the Applicant are not eligible unless the Applicant demonstrates that the fees are above and beyond its normal administrative costs.
6. **Vector Control:** Must be preapproved by FEMA following certification by the Center of Disease Control that a health hazard exists.
7. **Safety Barricades and Signs:** The materials, equipment and overtime worked is eligible. If the materials are reusable than salvage value should be deducted.
8. **Temporary and Emergency Repairs:** Emergency work such as road detour at damaged location, raising or emergency repair to levees, temporary roof repairs to public buildings, rental of temporary facilities for public employees, and bypass of sewer breaks are eligible.
9. **Temporary Housing:** Temporary housing/bedding may be eligible for displaced individuals due to the disaster event.
10. **Personnel Time:** Regular time of permanent employees is not eligible; however, payment for overtime and compensatory time is eligible if payment is an established written policy. Temporary staff time working in support of the disaster is eligible.



Category C – Gravel Roads and Culverts

1. **Road Repair:** On gravel roads, the base need not be damaged to be eligible for gravel replacement. Loss of gravel must be evident. Potholes and minor rutted surfaces are not eligible.
2. **Maintenance:** Routine maintenance is not eligible. Potholes and surface ruts normally are maintenance items. Rusted culverts is a routine maintenance item.
3. **Paving:** Loss of paving surface is eligible. Alligator cracked surface is a sign of normal deterioration and is not eligible. See the asphalt policy for additional information.
4. **Standards:** Bridge and road standards that have been formally adopted and in practice prior to the disaster are eligible. The standards must apply to all work (e.g. Work accomplished with applicant funds as well as work receiving State and/or Federal Aid). A copy must be available for the Project Specialist.
5. **On-system Facilities:** Federal aid roads are not eligible for FEMA permanent repair assistance whether FHWA funds are available for repair or not. Emergency work may be eligible on a case by case basis. (e.g. Debris removal where a structure is threatened or road closure if the structure is unsafe for travel).
6. **Scheduled Replacement:** Facilities are not eligible if scheduled for replacement within 12 months of the start of the incident period using Federal funds.
7. **Culvert Washout:** Salvage and relay in kind or replace in kind unless enlargement is cost effective and a hydraulic study supports the proposed size.
8. **Furnish site dimensions (Length x Width x Depth) for damage areas/volumes.**



Site Inspectors will be inputting damaged site's Damage Description and Dimensions (DDD), along with a Scope of Work (SOW) for each site with IPADs. Once the site inspections have been completed for an applicant, the Site Inspector and Applicant will each sign and date the Site Inspection Form verifying that the DDD and the SOW for each damaged site has been agreed upon by both parties. If there's a discrepancy, then the Applicant will note the discrepancy in the "comment section" of the Site Inspection Form. This Site Inspection Form will be uploaded by the Site Inspector onto their IPAD, to accompany the damaged site inspection information being input to NDDDES on behalf of the applicant. A copy of the Site Inspection Form will be left with the Applicant Agent. Example, the county will receive the form for the townships. If the township desires a copy, they'll need to obtain it from the county.

Work for this year that has been completed prior to the inspection will be entered prior to the site inspections. Supporting documentation for work completed will be required prior to the inspection. Pictures, Damage Description and Dimensions (DDD), along with a Scope of Work (SOW) will be required for work completed. As an example, if a culvert or washout has been repaired or replaced, documentation must be definitive enough to support the SOW and cost.

If a site was a site in previous disaster and is a site again this year, we would need documentation to support that the site was completed, then the site will be written as a new site for this year. If the site hadn't been completed from a previous disaster's damages, we would record that we had inspected the site, but because the site hadn't been repaired the applicant will not receive any additional funds for damages. The site would be written up as no eligible damages.



Category D – Water Control Facilities

1. ***Flood Control Works (Levees and Dams):*** Flood Control Works must protect improved property, have been built to accepted standards and have been properly maintained. Generally, under the authority of USACE or NRCS, and restoration under the authority of another Federal agency is not eligible. Secondary levees riverward of a primary levee are ineligible.
2. ***Drainage Channels/Basins/Reservoirs:*** May be eligible if it is maintained and has a defined capacity. Dams must be enrolled in the dam safety program.
3. ***Seeding and Sodding:*** Normally not eligible. May be eligible in highly erodible areas that have been disturbed. FEMA Region VIII guidance is for slope 2:1 or greater.



Category E – Public Building and Equipment

1. Buildings include:

- All structural and non-structural components, including mechanical, electrical, and plumbing systems
- Contents and equipment within the building
- Furnishings

2. Equipment include:

- Vehicles
- Construction equipment

3. **Building Restoration:** Buildings are to be restored on the basis of pre-disaster design, capacity and function, in accordance with current applicable codes and standards.

4. **Building Replacement:** If the estimated repair damages are 50% or greater than the replacement cost, the facility may be eligible for replacement.

5. **Building Relocation:** If the building is totally destroyed by a flood, then relocation from the floodplain must be considered.

6. **Use and Occupancy:** Buildings must be in use prior to disaster. If only part of the building was occupied at the time of the disaster, then replacement may be made at the reduced size.
7. **Insurance:** Insurance coverage is deducted from project cost. The PAO should make final determination of eligibility on uninsured losses and deductibles. If repair costs exceed \$5,000.00, an insurance commitment is required equal to the amount of damages for the economic life of the repair. Each structure is considered its own project.
8. **Equipment:** Office equipment and furniture should be replaced with used or surplus items if possible (to be reasonable-new for new, used for used). If it costs less to repair than to replace, funding for equipment is limited to repair cost.
9. **Supplies:** Consumable supplies will be replaced to pre-disaster quantities.
10. **Irreplaceable Collections:** Include artifacts, specimens, artwork, archives, public records or other items considered irreplaceable. Stabilization and bringing pre-disaster condition/function is eligible, but destroyed items are not eligible. Exhibition furnishings and displays are eligible for replacement if destroyed.
11. **Vehicles:** A separate project is required for each damaged vehicle. Check for comprehensive insurance.
12. **Animals:** Animals housed or exhibited in an eligible facility are eligible for replacement with the same number of comparable animals if not functional for intended use or killed.
13. **Grounds:** Damage to the grounds around a building requires a separate project.
14. **Cleaning:** Mold remediation and removal of mud, silt, or other accumulated debris is eligible as Permanent Work when conducted in conjunction with restoration of the facility.
15. **Worship Facilities:** Only eligible if activities of community center or houses of worship are open to the general public, without regard to secular or religious nature.
16. **Restriction:** Alternative use facilities and inactive facilities require special attention to determine eligibility.



Category F – Public Utilities

1. *Utilities include:*

- Water storage facilities, treatment plants, and delivery systems
- Power generation, transmission, and distribution facilities, including, but not limited to, wind turbines, generators, substations, and power lines
- Natural gas transmission and distribution facilities
- Sewage collection systems and treatment plants
- Communication systems

2. **Electrical Facilities:** Restore to pre-disaster condition in the most economical manner. Electrical equipment and equipment wiring exposed to water damage must meet NEC requirements or be replaced, according to NDCC § 24.1-06-01-20.

3. **Video Inspection of Sewers:** Very limited video inspection may be eligible when damage is apparent such as ground subsidence, backup or stoppage. Video inspection must be approved in advance.

4. **Cleaning:** Cleaning of sewer lines is eligible only when necessary to restore adequate functioning of the system in specific reaches, and when the blockage is directly related to the disaster.

5. **Revenues:** Loss of revenue is not eligible. Added cost of charges for providing regular utility services are not eligible.

Category F – Public Utilities (continued)

6. ***Loss of Inventory:*** Loss of water purchased by an eligible applicant is an eligible cost if such loss can be documented as having been caused by a break in a water line as a result of a declared disaster, and the costs of the water has not been or will not be passed on to the consumer.



Category G – Parks, Recreational Facilities and Others

1. *Publicly Owned Facilities:*

- Mass transit facilities such as railways,
- Beaches
- Parks
- Playground equipment
- Swimming pools
- Bath houses
- Tennis courts
- Parking lots
- Boat docks

- Piers
- Picnic tables and shelters
- RV hookups
- Golf courses
- Ball fields
- Fish hatcheries
- Ports and harbors
- Other facilities that do not fit in Categories C–F

2. **Natural Features:** Unimproved natural features are not eligible.

3. **Plantings (trees, shrubs and other vegetation):** Only eligible when part of restoration of an eligible facility for the purpose of erosion control.

4. **Ground Stabilization:** Permanent repair to stabilize natural ground that is not integral to an eligible facility's function is not eligible.

5. **Revenues:** Loss of revenue is not eligible. Added cost of charges for providing regular utility services are not eligible.

Loss of Inventory: Loss of water purchased by an eligible applicant is an eligible cost if such loss can be documented as having been caused by the incident.

Applicant Record Keeping Forms and Instructions

General – It is essential that applicants accurately document the expenses incurred in disaster response and recovery. Accurate documentation will help to:

1. Recover all eligible costs.
2. Have the information necessary to develop disaster projects worksheet.
3. Have the information available, which the inspection teams will need to see.
4. Be prepared for any audits – All documents will be retained for 3 years after the close of the disaster.

You will be notified by NDDDES when the 3-year period begins.

To assist you with preparation of records the applicant is eligible for direct administrative costs (5% of PW). For work that is 100% completed documentation must be furnished at the time of preparation of the PW. The rules for labor are consistent with normal labor rules. The consolidated force account record may be used for this purpose. For work to be completed an estimate form will be completed.

The next few pages we have developed examples of items to assist the Applicant and PDMG in compiling the required information. If the applicant already has a system to furnish the required information, our Site Inspectors will forward the information on the required forms.

Bills and Invoices

1. Billing/Invoice Number? (Attach a copy of the billing which must be site specific).
2. Description of work performed to include the site locations with unit costs.

SAMPLE INVOICE:

VENDOR: J P OLSON CONSTRUCTION, PO BOX 237, OLD TOWN, ND 58111			
INVOICE # 13113	DATE OF INVOICE: 4/28/10	TO: SHELBY TWP, E. COUNTY	
DATE OF WORK	DETAIL OF WORK	COST	SITE #
4/2/2010	18 CY Crushed Gravel @ \$7.85 / CY	\$141.30	1
4/2/2010	20 CY Pit Run Gravel @ \$6.25 / CY	\$125.00	2
4/2/2010	12 CY Crushed Gravel @ \$7.85 / CY	\$ 94.20	2
4/3/2010	8 CY Crushed Gravel @ \$7.85 / CY	\$ 62.80	3
4/3/2010	10 CY Crushed Gravel @ \$7.85 / CY	\$ 78.50	4
TOTAL		\$501.80	

Applicant's Benefits Calculation Worksheet

Fringe benefits have been discussed as being eligible. Except in extremely unusual cases, fringe benefits for overtime will be significantly less than regular time.

The following steps are furnished to assist in calculating the percentage of fringe benefits.

1. The normal year consists of 2080 hours (52 weeks x 5 workdays per week x 8 hours per day).
2. Determine employee's hourly rate (annual salary / 2080 hours).
3. Fringe Benefit for Holidays – 64 hours (8 days)/2080 = 3.08%
4. Vacation time - 80 hours (2 weeks)/2080 = 3.85%
5. Sick leave - 96 hours (12 days)/2080 = 4.62%
6. Current Retirement Policy
7. Social Security, Medicare and unemployment are standard percentage of salary
8. Insurance – Divide the amount paid by employer by the basic pay rate determined in step 2.
9. Workman's Compensation – Divide the amount paid by the employer by the basic pay rate determined in step 2. Use the rate per \$100.00 to determine the correct percentage.

NOTE: Typically, you should not be charging the same rate for regular time as for overtime. Generally, only Social Security and Medicare are eligible for overtime however, some entities may pay retirement tax on all wages.

APPLICANT'S BENEFITS CALCULATION WORKSHEET

APPLICANT :

PA # :

DISASTER NUMBER :

PW # :

Hourly Rate = \$ 17.58

Overtime Rate (Hourly Rate x 1.5) = \$ 26.37

Benefits are based on EMPLOYER'S actual costs.

FRINGE BENEFITS (by %)	REGULAR TIME (%)	OVERTIME (%)
Social Security (FICA)	6.20	6.20
Medicare	1.45	1.45
Unemployment	0.35	0.35
Worker's Compensation	5.63	5.63
Retirement	8.47	8.47
Health Benefits		
Life Insurance Benefits		
Holidays		
Annual Leave		
Sick Leave		
Military Benefits (other)		
Total (in % of salary) =	22.10	22.10

I CERTIFY THAT THE INFORMATION ABOVE WAS TRANSCRIBED FROM PAYROLL
RECORDS OR OTHER DOCUMENTS WHICH ARE AVAILABLE FOR AUDIT.

CERTIFIED BY : _____

TITLE : _____ DATE : _____

Sample Calculations

Social Sec.(FICA) =	Set % of base hourly Rate (See payroll Clerk)
Medicare =	Set % of base hourly Rate (See payroll Clerk)
Unemployment =	Set % of base hourly Rate (See payroll Clerk)
Worker's Comp =	This % Varies by employee (See payroll Clerk)
Retirement =	This % will vary by the type of employee, ie. PERS, Law Enforcement, Fire, Lineman. (See payroll Clerk) Use <u>only</u> the percentage of salary matched by the employer.
Health Benefits =	Employers usually pay a set dollar amount per month. <u>Example</u> . \$150.00 per month and the employee's hourly wage is \$8.50. \$150.00 X 12 months = \$1,800.00 a year/ 2080 hours = \$0.865 per hour/ \$8.50 = 10.18 %
Life Ins. Benefits =	Some Employers may pay a set amount toward Life Insurance. This % is calculated in the same manner as the Health Benefits.
Holidays =	Count up the number of Paid Holidays in a calendar year. (Year 2002 has 11) 11 holidays X 8 hours = 88 hours/ 2080 hours = 4.23%
Annual Leave =	Public Employees get annual leave based on the number of 5 year increments of employment 1 to 10 years =15 days, 10 to 15 years = 18 days, 15 to 20 years = 21 days & over 20 years = 24 days. 15 days X 8 hours = 120 hours/ 2080 hours = 5.77 % 18 days X 8 hours = 144 hours / 2080 hours = 6.92 % 21 days X 8 hours = 168 hours/ 2080 hours = 8.08 % 24 days X 8 hours = 192 hours / 2080 hours = 9.23 %
Sick Leave =	Public Employees get 12 days a calender. 12 sick days X 8 hours = 96 hours / 2080 hours = 4.62 %
Military Leave =	(Add this % only to the employees that it applies too) Public employees get 15 days a calender if they are in the Reserves or National Guard for Annual Training. 15 days X 8 hours = 120 hours / 2080 hours = 5.77 %

Procurement:

Your local policies on procurement must be followed, if you don't have a policy, we suggest you write one (a memorandum or letter) and have it signed by approving authority(s).

Current North Dakota Century Code (66th Assembly, 2019-2020) Chapter 48-01.2 Public Improvement Bids and Contracts, Part 48-01.2-02.1. Public improvement construction threshold.

1. The threshold for bidding construction of a public improvement is two hundred thousand dollars. The threshold for procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement is two hundred thousand dollars.
2. Notwithstanding the thresholds in subsection 1, if the state or a political subdivision undertakes the construction of a public improvement and there is reason to believe that engineering or architectural services are necessary to protect the health, safety, or welfare of the public, the state or political subdivision shall consider consulting with an engineer or architect.

Current State Offices of ND Procurement Thresholds (<https://www.nd.gov/omb/agency/procurement>)

Purchasing Thresholds Effective July 1, 2018		
NDUS employees must follow SBHE policies and NDUS procedures . State Agencies, excluding Higher Education institutions, must follow OMB guidelines .		
Level	Competition Requirements	Documentation Maintenance Requirement
Level 1 "Micro" Purchase Less than \$10,000	Obtain at least one fair and reasonable quote. Note: Equipment and software must be added to inventory if \$5,000 or greater. (N.D.C.C. § 54-27-21 Fixed Asset Minimum Reporting Value) OMB: Rotate vendors solicited on an equitable basis (N.D.A.C. § 4-12-08-02) OMB: State agencies (excluding Higher Education institutions) must submit printing purchase requests \$5,000 and over to OMB State Procurement.	NDUS: Documentation not required Alternate Procurement form not required if multiple quotes not solicited OMB: Document vendors solicited, quotes received, and award determination.
Level 2 Small Purchase At least \$10,000 but less than \$50,000	Solicit informal quotes/bids or proposals from at least three vendors, or post to SPO Online with appropriate state bidders list. May send to additional vendors. OMB: ITD must review IT purchases over \$25,000. Contact itdprocurement@nd.gov	Documentation is required. Alternate Procurement form required if competition is not solicited from at least three vendors. The form is not required if three vendors are solicited and fewer than three bids or proposals are received.
Level 3 Informal Written Purchase At least \$50,000 but less than \$100,000	Solicit informal bids or proposals using SPO Online with appropriate state bidders list. May send to additional vendors. OMB: ITD must review IT purchases over \$25,000. Contact itdprocurement@nd.gov	Documentation is required Alternate Procurement form required if: 1. Competition is not solicited. 2. SPO Online is not used. 3. OMB: Competition is limited.
Level 4 Formal Purchase \$100,000 and over	Must be purchased using formal sealed bids or Request for Proposal (RFP). Solicitations must be posted using SPO Online with appropriate state bidders list. May send to additional bidders. OMB: ITD must review IT purchases over \$25,000. Contact itdprocurement@nd.gov	Documentation is required. Alternate Procurement required if: 1. Competition is not solicited, or competition is limited. 2. SPO Online is not used. 3. OMB: Competition is Limited.
Questions? Contact OMB State Procurement at infospo@nd.gov or 701-328-1726		

Types of Contracts:

1. **Unit Price** – Contract for work done on an item-by-item basis with cost determined per unit (Preferred Method)
2. **Lump Sum** – Contract for work within a prescribed boundary with a clearly defined scope of work and total price.
3. **Cost Plus Fixed Fee** – Either a lump sum or unit price with a reasonable fixed contractor fee added into the price.
4. **Time and Material Contract** – These should be avoided but may be allowed for work that is necessary immediately after the disaster incident has occurred when a clear scope of work can't be developed, and the work will not exceed **70** hours. Special arrangements may be available for power restoration. FEMA should be consulted for details. This type of contract must be monitored to ensure the cost ceiling or "not to exceed" provision in the contract is honored by the contractor. In the event this type of contract is used the applicant should contact the state to ensure proper guidelines are followed.

Note: Federally grant funded projects/contracts require that organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce Administration be contacted to allow them to be engaged in your Procurement Process.

Types of Contracts to Avoid:

1. **Time and Materials** – T&M contracts can be used for a reasonable amount of time when (1) not other contract type is suitable; and (2) the contract includes a ceiling the contractor exceeds at its own risk. Non-federal entities must also maintain a high degree of oversight.
2. **Cost-Plus-Percentage-of-Cost Contracts** – These are contracts where the contractor's profit is based on a percentage of the underlying project costs actually incurred. Prohibited by Federal Procurement and ineligible for FEMA Grant Funding.
3. **Piggybacking** - Adopting a pre-existing contract solicited and awarded by another entity is referred to "piggybacking".
4. **Geographic Preferences** – Non-state applicants must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids.
5. **Awarding to Contractors that Drafted Solicitation Documents** – Non-state applicants must prohibit contractors that develop or draft specifications, requirements, statements of work, invitations for bid or requests for proposal from competing for and being awarded the subsequent contract for work.
6. **Suspended or Debarred Contractors** – applicants may not award a contract to a suspended or debarred contractor, nor may any prime contractor award to a suspended or debarred contractor. Check the database @ www.sam.gov prior to awarding the contract.

Note: Definition of a non-state applicant is considered any local governments, tribal governments, institutions of higher education, hospitals and other non-profit organizations.

Mutual Aid: Agreements must be done. If you are going to use mutual aid, ask for guidance for requirements of the program. Mutual Aid can be used for Category A (Debris Removal) and Category B (Emergency Protective Measures).

- An agreement between jurisdictions or agencies to provide services across boundaries in the event of an emergency or major disaster. The conditions of the agreement can be to provide reciprocal services or direct payment for services.
- The entity that received the aid was charged for that aid.
- Payment under the agreement is not contingent on receipt of Federal funding.
- The receiving entity can provide documentation of work accomplished, the billing for assistance, and pay for services.
- The claimed costs are reasonable.
- The claimed costs are in accordance with FEMA's mutual aid policy (e.g., the aid was requested, and the work is eligible for assistance).
- A written post-event agreement should be submitted within 30 days of the Requesting Entities Applicant's Briefing
- For additional information see Disaster Assistance Policy 9523.6 Mutual Aid Agreements for Public Assistance and Fire Management Assistance. It is attached to this handout.

The employees of the entity providing supplemental assistance are considered as extra hires or contract labor; therefore, both regular and overtime labor are eligible. The receiving entity is responsible for requesting FEMA assistance and for the non-Federal cost share.

Volunteer Labor, Donated Equipment and Materials

- Volunteer labor must be from a third party. A list must be provided with name, duties performed, date and hour started and ended and age of volunteer. Work must be emergency related.
- Labor will be valued at the same hourly labor rate as someone in the applicant's organization performing similar work.
- Donated equipment credit is determined the same as force account equipment rates are.
- Donated materials are determined using the cost of purchased like materials. Items donated by another federal agency cannot be applied for volunteer credit.
- Maximum allowable is the amount to offset the State and local portion of the cost share for Category A and Category B Project Worksheets for the applicant.
- For additional information see Disaster Assistance Policy 9525.2 Donated Resources. It is included in this handout.

End of PA Briefing



NORTH DAKOTA DISASTER DECLARATION 4553



Environmental and Historic Preservation and Disaster Recovery



As you repair and rebuild your communities, environmental and historic preservation concerns may seem unimportant. However, as with all federal funding, certain requirements related to the environment must be fulfilled. This brochure is provided to help you better understand environmental factors that you must consider as you apply for FEMA funding.

The information and assistance described here will help avoid any environmental roadblocks or time delays. The most important message is that we are available to help you with all environmental requirements. Contained here are facts, procedures, and contacts to help you through the process.

You can help by identifying any potential environmental or historic issues, concerns, or problems related to your projects and discuss these with FEMA staff as soon as possible.

Our work is under the direction of FEMA Federal Coordinating Officer, Nancy Casper. We also coordinate closely with North Dakota Department of Emergency.

As the Regional Environmental Officer, I pledge to assist you in understanding and complying with all environmental requirements.

Please contact me or Martin Thompson, Environmental and Historic Preservation Advisor (303) 235-4305 for any environmental or historic assistance.

Sincerely,

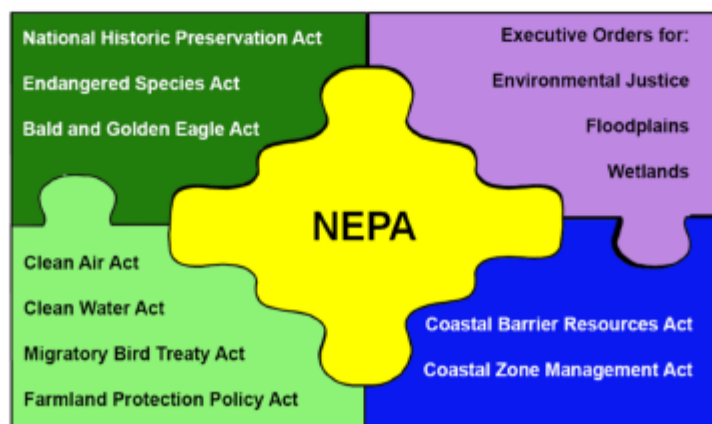
Steven E. Hardegen

Regional Environmental Officer
FEMA Region VIII
Steven.Hardegen@dhs.gov
303-235-4714
303-547-8539 (cell)
July 20, 2020

Federally Funded Projects Require Compliance with

NEPA-The *National Environmental Policy Act* as well as all Local, State, and Federal Laws

Some of these are familiar laws while others may be new to someone using Federal funding sources for the first time. Compliance limits project delays, prevents civil penalties and lawsuits, and is a vital stage to ensure funding and project completion.



NHPA-National Historic Preservation Act

Some historic resources are very obvious, others less so. Any structure (e.g., buildings, walls, bridges, culverts) **50+ years old** may be eligible for the National Register of Historic Places. These structures must be reviewed by FEMA and the ND State Historic Preservation Office (SHPO) or Tribal Historical Preservation Officer (THPO).

Archaeological resources also require special attention. Paramount among these are Tribal resources, of which North Dakota has a rich legacy. Any proposed project which alters a previously undisturbed area (e.g., relocating a utility, road realignment, a material borrow area for construction, preparation of debris staging, stockpiling or burning sites) must be reviewed by FEMA and the ND SHPO or applicable THPO for archeological concerns.

Land that has been plowed or used for agriculture is not considered previously disturbed and must be evaluated.

For borrow material taken from a *non*-ND Department of Transportation certified site, a completed disaster-specific site request form (which may be obtained from FEMA EHP or SHPO) must be submitted to SHPO, approved, and attached to the applicant's project worksheet.

IMPORTANT: FEMA EHP must be notified of any ground disturbance or scope change beyond repair in-kind **BEFORE** construction begins.

Projects may result as NON-Compliant if FEMA is unable to consult with SHPO prior to construction.



Other Considerations

Hazard mitigation projects reduce the threat of future damages. Retrofitting for wind damage or elevating for flood protection are examples. All hazard mitigation projects will be subject to a thorough review by FEMA as they usually involve ground disturbance or alter a project's footprint.



Projects involving **any ground disturbance** outside previously disturbed footprint, even if within the right-of-way may require archaeological review prior to construction.

CWA-Clean Water Act

Projects that may require permits include:

- Any repair, construction, demolition, dredging, or filling proposed in a waterway; including lakes, streams, creeks, tributaries, and wetland areas.
- Repairing or replacing a bridge, culvert or dams.

The U.S. Army Corps of Engineers (USACE) administers The Clean Water Act, and applicants must contact them prior to the start of work for any required permits.



IMPORTANT: Obtaining permits prior to construction is the responsibility of the project applicant.

Endangered Species Act Migratory Bird Treaty Act Bald and Golden Eagle Protection Acts

Three laws protect wildlife in North Dakota:

The Endangered Species Act, projects that may affect threatened or endangered (T&E) species and their habitats must be coordinated to avoid impact.

The Migratory Bird Treaty Act stipulates protection for not only migratory birds, but also for habitats and environments necessary for the birds' survival. Some migratory birds are also listed as threatened or endangered species.

The Bald and Golden Eagle Protection Act provides special rules to protect these species and their nesting areas, especially during the nesting season itself. North Dakota is home to 9 species protected under the ESA and has many designated Critical habitat areas.

IMPORTANT: If T&E Species, Bald or Golden eagle, or critical habitat are potentially impacted by a proposed project, FEMA is required to consult with Federal and State wildlife agencies prior to the start of project work.

For a full listing of T&E Species, consult the following:

<https://www.fws.gov/endangered/>



Floodplains

FEMA reviews all projects that take place in a **floodplain** as required by Executive Order 11988. The Applicant is responsible for coordinating with their local floodplain manager for any projects located within a floodplain. For major projects, this could require further review using the "8-Step" process, which looks at and evaluates alternatives, and includes public review.

Wetlands

FEMA also reviews all projects that take place in **wetlands** as required by Executive Order 11990. As with floodplains, an "8-Step" process may be required whenever a project would modify a wetland. Project approvals and permits are needed from the ND State Water Commission, USACE, and U.S. Fish and Wildlife Service (USFWS) for work in wetlands.

Overview

This overview does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may effect compliance and jeopardize federal funding.



CONTACTS

This publication presents an overview of the many laws and requirements for environmental clearance of FEMA Public Assistance projects. There are many other details not here that may prove useful for environmental compliance. The FEMA staff is available to answer any questions you may have and to direct you to other resources that may be needed to ensure that all environmental considerations are explored for FEMA funded projects.

Federal Contacts

FEMA Joint Field Office (JFO)
Denver Federal Center
Building 710, Box 25267
Denver, CO 80225-0267

FEMA - Environmental
Steve Hardegen
Regional Environmental Officer
303-235-4714
steven.hardegen@fema.dhs.gov

FEMA - Environmental
Martin Thompson
DR 4475 EHP Advisor
303-235-4305
720-626-8523 cell
martin.thompson@fema.dhs.gov

FEMA - Floodplains
Thomas Birney, Natural Hazard
Program Specialist
FEMA-Region VIII
303-235-4802
thomas.birney@fema.dhs.gov

US Army Corps of Engineers
Patricia McQueary Prog Manager.
1513 South 12th St
Bismarck, ND 58504
(701)225-0015
patricia.l.mcqueary@usace.army.mil

U. S Fish and Wildlife Service
Jessica Johnson
3425 Miriam Ave.
Bismarck, ND 58505
(701) 355-8507
jessica.n.johnson@fws.gov

National Wildlife Refuges
U.S. Fish and Wildlife Service
Mountain-Prairie Region
P.O. Box 25486, DFC
Denver, CO 80225-0486
303-236-4365

National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80225
303-969-2500

State Contacts

Department of Emergency Services
www.nd.gov/des/
Fraine Barracks Lane, Bldg 35
P.O. Box 5511
Bismarck, ND 58504
(701) 328-8100
(800) 773-3259

ND State Historic Preservation Office
Lisa Steckler-Review and Compliance
612 East Boulevard Ave
Bismarck, ND 58505
(701) 328-2666
lsteckler@nd.gov

ND Dept of Agriculture
www.nd.gov/ndda
Plant Industries Division
1929 N. Washington St., Suite SS
Bismarck, ND 58501
(701) 328-2231

ND State Water Commission
John Paczkowski-Regulatory Division
900 East Boulevard Ave, Dept 770
Bismarck, ND 58505
(701) 328-3446
jpaczowski@nd.gov

ND Game and Fish
Threatened and Endangered Species
Steve R. Dyke
100 North Bismarck Expressway
Bismarck, ND 58501
(701) 328-6347
sdylke@nd.gov

ND Dept of Health-Section 401 Water Certification and Quality
Peter N. Wax
918 East Divide Ave
Bismarck, ND 58501
(701) 328-5268
pwax@nd.gov

ND Dept of Health-General Construction Storm Water Permits
Dallas J. Grossman
918 East Divide Ave
Bismarck, ND 58501
(701) 328-5242
dgrossman@nd.gov

Projects in the Floodplain
For permits for work in the floodplain contact your local FP administrator. A list can be found at:
www.swc.nd.gov

State Forest Services
Thomas Claeys-State Forest Manager
307 First St East
Bottineau, ND 58318
(701) 328-9945
thomas.claeys@ndsu.edu

Natural Resources Conservation Service
Mary Podoll-State Conservationist
220 E. Rosser Ave- Room 270
P.O. Box 1458
Bismarck, ND 58502
(701) 530-2000
Mary.podoll@nd.usda.gov

Debris Removal
Diana Trussell-
Solid Waste Prog Manager
918 East Divide Ave.
Bismarck, ND 58501
(701) 328-5166
dtrussell@nd.gov

ND Dept of Health-Asbestos Removal
Justin Otto-Asbestos -IAQ Coordinator
918 East Divide Ave.
Bismarck, ND 58501
(701) 328-5246
jotto@nd.gov

Tribal Contact

U.S. Bureau of Indian Affairs
Great Plains Regional Office
Sebastian LeBeau-Liaison
115 4th Ave. SE
Aberdeen, SD 57401
(605) 226-7343
Sebastian.lebeau.ii@bia.gov



Hazard Mitigation Assistance - (HMA)

Empower People | Improve Lives | Inspire Success

Definition - any sustained action taken to reduce or eliminate long-term risk to people and property from natural hazards and their effects. – Unified Hazard Mitigation Assistance (HMA) Guidance

Breaks the Cycle of Damages

Promotes Community Resiliency

On Average, every \$1 spent on Mitigation saves \$6 in Recovery Costs

Reduces the Risk to Human Life and Safety

Two Types of Hazard Mitigation Programs

1. 406 Hazard Mitigation

2. 404 Hazard Mitigation

a) HMGP

b) PDM

c) FMA

406 Hazard Mitigation

406 Hazard Mitigation is funded under the Public Assistance (PA) Program

- Limited to declared counties
- Limited to disaster-damaged facilities (damaged sites)
- Mitigation efforts must be cost effective and reduce the potential of future, similar disaster damages to the eligible facility

406 Hazard Mitigation examples:

- Riprapping
- Upsizing culverts with appropriate H & H Study
- Geotextile Fabric installation
- Headwalls and wing walls

404 Hazard Mitigation Assistance (HMA)

Consists of three (3) Federal Hazard Mitigation Programs

Hazard Mitigation Grant Program (HMGP)

- Available to a State after receiving a Federal Disaster Declaration
- Budget equals 15% of disaster related expenses, (20% if State has Enhanced Mitigation Plan)
- Can fund Regular, Planning, and 5% Initiative Fund Projects
- Federal Share 75%, State Share 10%, Local Share 15%

Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA)

- Nationally Competitive
- Opened Annually
- PDM Funded through FEMA
- FMA Funded through National Flood Insurance Program (NFIP)
- Federal Share 75%, Local Share 25%

Highly Successful in North Dakota Since 1997:

- HMGP – 330 Projects Totaling \$234,069,022
- PDM – 78 Projects Totaling \$15,024,231
- FMA – 3 Projects Totaling \$12,595,643

Grand Totals:

- 405 Projects Completed in the State of North Dakota
- \$261,688,896 in Grant Funds

2018 PDM Selections

Eighteen (18) of our submitted sub applications were selected for further review

- Current total of all projects (Including SMC): \$19,999,721.25
- Selected Projects Include:
 - Burleigh County/University of Mary Bank Stabilization
 - Flood Protection for Fargo Wastewater and Raw Water Intake
 - City of Jamestown James River Riverbend Restoration
 - Storm Shelter for Beulah and McKenzie County
 - Eleven (11) Countywide Multi-Hazard Mitigation Plans

Eligible Activities

Acquisition/Demolition	Soil Stabilization	Non-Localized Flood Risk Reduction
Structure Elevation	Post-Disaster Code Enforcement	Non-Structural Retrofitting
Dry Floodproofing	Planning Projects	Infrastructure Retrofit
Localized Flood Risk Reduction	Acquisition/Relocation	Wildfire Mitigation
Structural Retrofitting	Mitigation Reconstruction	Advance Assistance
Wind Retrofit	Generators	Miscellaneous/Other

Acquisitions and Relocations

A top priority to remove people from harm's way
 Approximately 1,400 flood prone properties acquired and removed in North Dakota
 Property Becomes Green Space in Perpetuity to Prevent Future Damages



Bowesmont Flooding in 1997



Marker where the Pembina County town was located

Critical Facility Generators - Provide Backup Power to Critical Infrastructure:

- Water Treatment Plants
- Waste Water Treatment Plants
- Lift Stations
- Fire Stations
- Hospitals
- Nursing Homes, etc.



Tornado Shelters - Construct or Install Shelters Rated to Withstand EF-5 Tornado Events

- Community Safe Rooms
- Residential Safe Rooms
- Can be Multi-Use
- Retrofit Existing Buildings



Flood Risk Reduction - Projects that will prevent flood damages to public and private property:

- Levees
- Floodwalls
- Dams
- Retention/Detention Basins
- Channelization Projects



Underground Lines

Line burial effectively mitigates impacts created by weather- related outages



Contact Information:

Todd Joersz
State Hazard Mitigation Officer (SHMO)
Email: tjoersz@nd.gov
Telephone: 701-328-8261

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